

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

| | |
|--------------------------------------|--|
| Meeting Date: | September 17, 2007 |
| Docket Number: | 0709-VS-027 |
| Appellant: | Geoffrey Lisle |
| Property Address: | 14839 Victory Court |
| Variance of Standard Request: | <i>WC 16.04.030, D6</i> Minimum side yard setback |

EXHIBITS

- | | |
|--------------------------------------|------------|
| 1. Staff Report | 08/20/2007 |
| 2. Aerial Location Map | 08/20/2007 |
| 3. Property Card | 09/05/2007 |
| 4. Appellant's Application and Plans | 08/10/2007 |

RELATED CASES

None

VARIANCE OF STANDARD REQUEST

This variance of standard request is to reduce the minimum northern side yard setback from 12 feet to approximately 10 feet in the SF-2 District (*WC 16.04.030, D6*).

PROPERTY INFORMATION

The subject property is approximately 0.39 acre, located on Victory Court in the Village Farms subdivision. The property is zoned SF-2 and is used residentially. Abutting property on all sides is zoned SF-2 and is used residentially or as common area. The subject property does not fall within any of the Town's overlay districts.

PROPERTY HISTORY

The subject property is part of Section 16 of the Village Farms subdivision. Section 16 was platted on May 4, 1998 and complies with all applicable SF-2 standards (97-P-15). The existing residential structure, constructed in 1998, complies with all applicable SF-2 standards (98-IP-587).

There are no variances, special exceptions, or pending enforcement cases on record for the subject property.

ANALYSIS

The submitted application depicts plans for a new detached garage/screened-in porch that would be located on the northeastern portion of the subject site. The garage would be used for personal use. For properties on the east side of Victory Court, a common area that is 15 feet in width is adjacent to the rear property lines (east property lines).

From a visual survey of the area and from aerial photographs from November 2006, there are currently no detached garage structures on this segment of Victory Court, nor are there any detached garage structures in Section 16 of Village Farms. Currently, the residential property to the east (across the 15 foot common area) has two (2) detached accessory structures.

The SF-2 standards for lots in a subdivision require a minimum side yard setback of 12 feet and a minimum rear yard setback of 30 feet (*WC 16.04.030, D6*). The submitted plans indicate that the proposed structure would be located 10 feet from the side property line – a 17% reduction from the SF-2 standard. The submitted plans also indicate that the proposed structure would be located 16 feet from the rear property line – a 47% reduction from the SF-2 standard. The proposed structure would comply with all other applicable SF-2 standards.

FINDINGS

No variance of standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

Findings: It is unlikely that the approval of the requested variance of standard would be injurious to the public health, safety, morals, and general welfare of the community. The intent of building setbacks is to establish minimum yards, establish a minimum building line, and manage minimum building separation. By reducing the side yard of the proposed accessory structure, a minimum side yard of ten feet (10') would exist, which is greater than or equal to the side yard setback requirements in the SF-3, SF-4 and SF-5 districts.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:**

Findings: Providing relief from the side yard setback standard will not prevent the use of adjacent property. The requested variance would most directly impact the adjacent property to the north. An attached garage, which is located approximately seven feet (7') from the property line, on the adjacent property to the north would be the closest permanent structure to the proposed detached garage. The impact of a two-foot (2') reduction of the side yard setback would be negligible on the neighboring property.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:**

Findings: Strict adherence to the zoning ordinance will not result in a practical difficulty or prevent the use of the subject property. As it was intended when the property was zoned and platted, the subject property is currently used residentially. Additionally, the existing residential structure has an attached garage. Therefore, the terms of the zoning ordinance are not preventing the use of the property for residential and associate accessory structures and uses. Further, a smaller detached accessory structure could be located on the subject property and comply with all setback requirements. Additionally, a modification to the proposed structure's orientation and/or configuration could result in a compliant plan.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

RECOMMENDED CONDITIONS

Should the Board approve this variance of standard request, the following condition would be appropriate:

1. That no further encroachment of or reduction of the amended side yard setback occur.

KMT

Aerial Location Map

14839 Victory Court



EXHIBIT 3

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Official government site of Hamilton County, Indiana

Online Se

Property Card Report**1. report type**

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

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This program allows you to view and print certain public records. **Each report reflects information as of a specific date;** so the information different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for accuracy. It may not reflect the current information pertaining to the property of interest.

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Summary Information - Parcel Number: 08-09-14-04-05-007.000**Property Data**

| | |
|------------------------|-----------------------------------|
| Parcel Location | 14839 VICTORY CT, CARMEL |
| Taxing Unit | Westfield Abatement 05-09 |
| Legal Description | VILLAGE FARMS 122.40 X 180.30 IRR |
| Section/Township/Range | S14 T18 R03 |
| Subdivision Name | VILLAGE FARMS |
| Lot and Block | Lot 676 Block 16 |
| Acres | 0.39 |
| Effective Frontage | 97 |
| Effective Depth | 174 |
| Property Class | One Family Dwelling |

Exterior Features and Out Buildings

- 1 Attached Garage,
- 2 Open Frame Porch,

Property Owner as of April 30, 2007

Lisle, Geoffrey A & Catherine Lee

Most Recent Valuation as of March 1, 2006

| | |
|------------------------------|--------|
| Assessed Value: Land | 49900 |
| Assessed Value: Improvements | 238500 |
| Total Assessed Value: | 288400 |

Building 1, Card ID R01**Physical Characteristics**

| | |
|--------------|------|
| Story Height | 2.0 |
| Attic | none |
| Basement | full |
| Crawl | none |
| Year Built | 1999 |

Floor Construction

| | |
|--------------|----------------|
| Basement | Slab |
| 2.0 (second) | Sub and joists |
| 1.0 (first) | Sub and joists |

Floor Finish

| | |
|--------------|--------------------|
| Basement | Unfinished, None |
| 2.0 (second) | Carpet, Vinyl tile |
| 1.0 (first) | Carpet, Vinyl tile |

Exterior Cover

| | |
|--------------|-------------|
| Basement | Conc block |
| 2.0 (second) | Wood siding |
| 1.0 (first) | 3/6 Masonry |

Interior Finish**Accommodations**

| | |
|----------------|---|
| Finished Rooms | 8 |
| Bedrooms | 3 |

Heating and Air Conditioning

| | |
|------------------|-----|
| Primary Heat | YES |
| Air Conditioning | YES |

Plumbing

| | |
|---------------|---|
| Full Baths | 2 |
| Partial Baths | 1 |

Fireplace

| | |
|------------------|-----|
| Fireplace Stacks | YES |
|------------------|-----|

Basement Rec Room

| | |
|-------------------------|---|
| Rec Room Type | |
| Rec Room Square Footage | 0 |

Area/Square Footage (based on exterior eave to eave area)

| Building Level | Base Area | Approx. Area |
|----------------|-----------|--------------|
| Basement | 1342 | 0 |
| 2.0 (second) | 1264 | 1264 |
| 1.0 (first) | 1342 | 1342 |

| | | | |
|--------------|------------|-----------------------|--------|
| Basement | Unfinished | Garage | |
| 2.0 (second) | Drywall | Garage Type | Framed |
| 1.0 (first) | Drywall | Garage Square Footage | 572 |
| | | | |

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EXHIBIT 4

TOWN OF WESTFIELD, INDIANA



Petition Number: 0709-VS-27
Date of Filing: 08/10/07

Application for VARIANCE OF DEVELOPMENT STANDARD

**Westfield – Washington Township
Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Geoffrey Lisle
Address 14839 Victory Court
Carmel, IN 46032
Telephone Number 317-580-1454
E-Mail Address glisle@bsals.com lisle@indy.rr.com
2. Landowner's Name Geoffrey Lisle
Address 14839 Victory Court
Carmel, IN 46032
Telephone Number 317-580-1454
3. *Representative N/A
*Address N/A
*Telephone Number N/A
*Email Address N/A

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
14839 Victory Court, Carmel, Indiana 46032
Northwest of the intersection of 146th Street and Oakridge Road, Village Farms Subdivision

5. Legal description of property (list below or attach)
See attached

6. Complete description of the nature of the development standard variance applied for:
16.04.03D D.SF2,6 MINIMUM SETBACK LINES Side yard-12 foot setback. Variance is requested
to allow a 10' setback along north property line. See attached diagrams

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- a. Lot(s) shape and dimensions;
 - b. Location and dimensions of existing and proposed structures;
 - c. Location and dimensions of existing and proposed points of ingress and egress; and
 - d. All topographic and natural features and/or other unusual characteristics associated with the property.
8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

This request is solely for the purpose of further utilization and improvement of the

homeowners' property by allowing a variance to the current zoning setback requirements.

This request will in no way be injurious to the public health, safety, morals, and general welfare of the community.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

This variance will allow improvement of the homeowners' property consistent with the

surrounding properties. This improvement will utilize materials that will match the existing

house in all ways. The improvements includes a third garage space, storage area, and

screened-in porch. The side yard setback requested is consistent with the current covenants of

the homeowners association. This information has been reviewed with both adjacent

neighbors

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

The variance to the side yard setback will allow better sizing and placement of the addition


while helping to avoid the existing home's foundations. The homeowner is trying to avoid

any possible undermining or modifications to the existing homes' foundation. This will

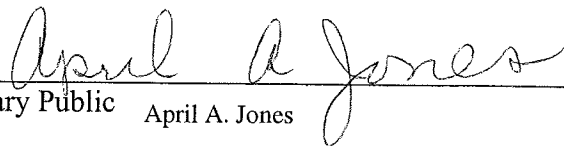
also help in maintaining proper water drainage around the house and addition.

TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.


Applicant Geoffrey Lisle

SUBSCRIBED AND SWORN TO ME THIS 10 DAY OF August, 20 07.


Notary Public April A. Jones

My commission expires: 29 August 2007

Warranty Deed

THIS INDENTURE WITNESSETH, That

TWO GAITS DEVELOPMENT COMPANY, L.P.

an Indiana Limited Partnership

of HAMILTON County, in the State of INDIANA
Convey and Warrant to

GEOFFREY A. & CATHERINE LEE LISLE, Husband and Wife

of HAMILTON County, in the State of INDIANA

for the sum of One Dollar and other valuable considerations

the following described Real Estate in HAMILTON County, in the State of Indiana, to-wit:

Lot Number Six Hundred Seventy Six (676) in THE VILLAGE FARMS, SECTION SIXTEEN, an addition in Hamilton County, Indiana, as per plat thereof, recorded in Instrument #98-23272 in Plat Cabinet #2, Slide #105 in the Office of the Recorder of Hamilton County, Indiana and corrected in Certificate of Correction recorded 6/18/98 as Instrument No. 98-09833066.

Subject to the installment of taxes becoming due and payable in the May of 1999 and thereafter.

Subject to all liens, encumbrances, easements, highways, rights-of-way, agreements, covenants, conditions and restrictions of record.

IN WITNESS WHEREOF, The said

TWO GAITS DEVELOPMENT COMPANY, L.P.

Has hereunto set his hand and seal this 5th day of December, 1998.

TWO GAITS DEVELOPMENT COMPANY, L.P.

By: Ralph L. Wilfong II
Ralph L. Wilfong, II, General Partner

STATE OF INDIANA, HAMILTON COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named

TWO GAITS DEVELOPMENT COMPANY, L.P. By Ralph L. Wilfong, II, its General Partner
who acknowledged the execution of the foregoing Deed to be his voluntary act and deed.

WITNESS my hand and notarial seal this _____ day of _____

SURVEYOR LOCATION REPORT

This report is designed for use by a Title Insurance Company with residential loan policies. No corner markers were set and the location data herein is based on limited accuracy measurements. Therefore, no liability will be assumed for any use of this data for construction of new improvements or fences.

PROPERTY ADDRESS: 14839 Victory Court

PROPERTY DESCRIPTION: Lot Numbered 676, in Village Farms, Section 16, as
per plat thereof recorded in Plat Cabinet 2, Slide
105, in the Office of the Recorder of Hamilton County,
Indiana.

TITLE CO: Old Republic Title Company

CLIENT I.D. NO.: 99-53181

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that, to the best of my knowledge and belief, this report conforms with the requirements contained in Sections 27 thru 29 of 865 IAC 1-1-12 for a surveyor location report.

FLOOD HAZARD STATEMENT: The accuracy of any flood hazard statement shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced flood insurance rate map. All X / part ___ of the within described land does ___ / does not X lie within that special flood hazard zone A as said lands plot by scale on community panel # 180083 0015 C of the flood insurance rate map for Westfield (maps dated March 11, 1983). However, the residence located on said land does ___ / does not X lie within said zone A when plotted by scale on said map.

CERTIFICATION DATE: May 26, 1999

PROPOSED BUYER: Lisle, Geoffrey A. & Catherine L.

PROPOSED LENDER: American Star Mortgage

SURVEYOR'S JOB # M13636

CERTIFIED BY

Leland D. Miller
LELAND D. MILLER, JR.
REGISTERED
No. S0083
STATE OF INDIANA
SURVEYOR

Leland D. Miller, R.L.S. No. S0083

MILLER SURVEYING 948 CONNER ST. NOBLESVILLE, IN. 46060, PH. 317-773-2644



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THE SCHNEIDER CORPORATION

3020 North Post Road
Indianapolis, Indiana
46226-0068
317-898-8282
317-895-2803 FAX

Engineering
Surveying
GIS - LIS
Geology

TE:

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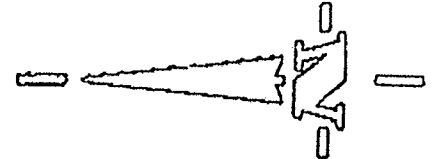
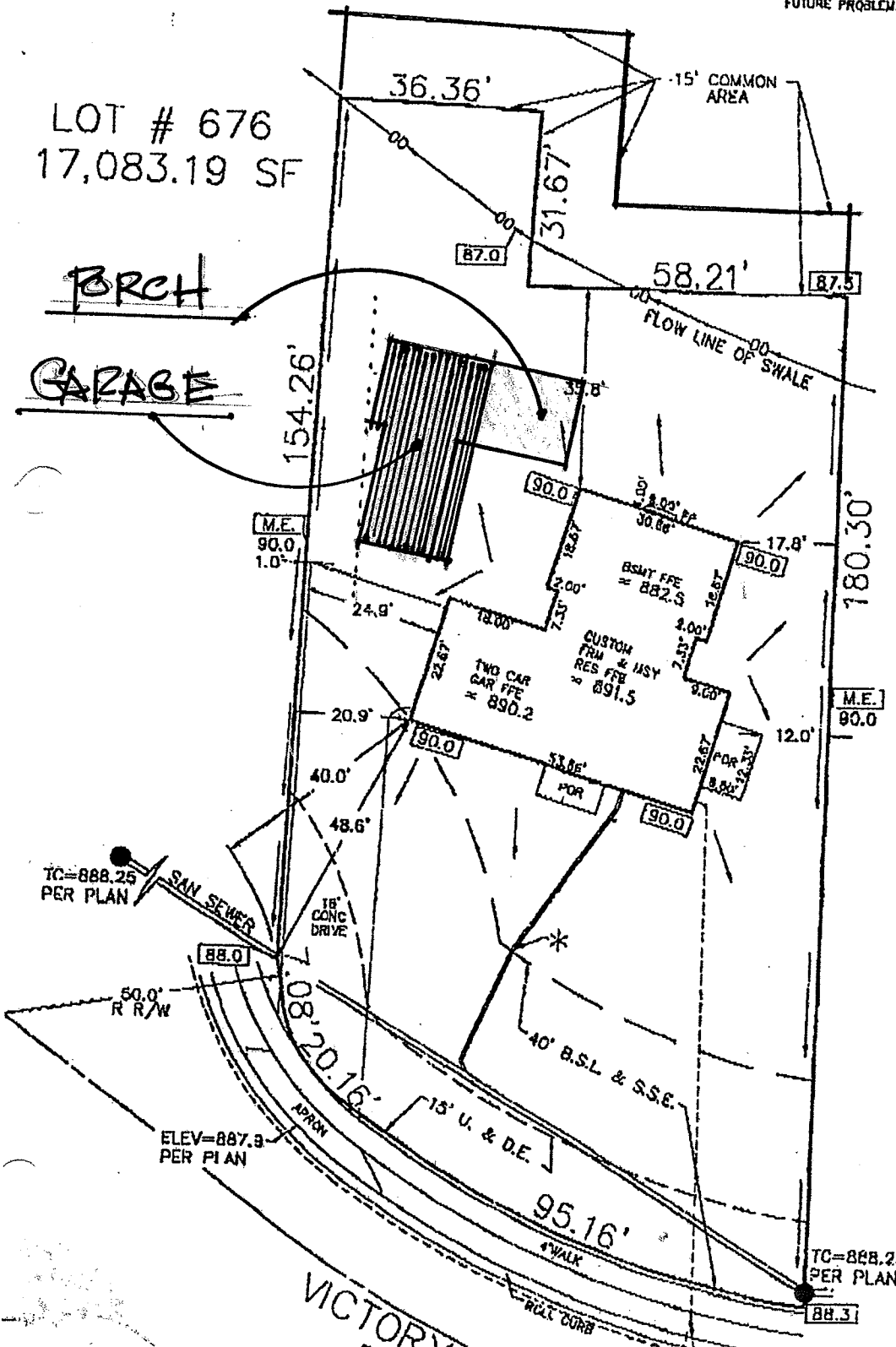
NOTE:

THE BASEMENT ELEVATION DEPICTED HEREON HAS BEEN DETERMINED AND BASED UPON THE PAD GRADES AND OR CONTOURS TAKEN FROM THE CONSTRUCTION PLANS FOR THE SUBDIVISION. UNLESS STATED, NO INFORMATION ABOUT FLUCTUATING WATER TABLE, SOIL CONDITIONS OR SOIL TYPES WITHIN THE BUILDING AREA HAS BEEN PROVIDED OR STATED ON SAID PLANS. IT IS RECOMMENDED THAT BASEMENT FINISHED FLOOR ELEVATIONS BE AT LEAST (1) FOOT ABOVE THE NORMAL POOL ELEVATION OF ANY ADJOINING BODIES OF WATER UNLESS A STUDY OF FACTS REVEALS OTHERWISE. IF DURING THE EXCAVATION PROCESS, ANY GROUNDWATER IS WITNESSED, THE SCHNEIDER CORP. SHOULD BE NOTIFIED IMMEDIATELY. THE BASEMENT ELEVATION SHOULD BE RAISED 2' ABOVE THE GROUNDWATER LEVEL AND ADDITIONAL CONSTRUCTION TECHNIQUES SHOULD BE INCORPORATED TO ALLEVIATE FUTURE PROBLEMS.

LOT # 676
17,083.19 SF

BRCH

GARAGE



ASSUMED NORTH
SCALE 1" = 30'

[88.0] PROPOSED GRADE

* APPROXIMATE LOCATION
CONFIRM BEFORE
CONSTRUCTION 6" SAN. LAT.
CHECK VALVE MAY BE
NEEDED ON SAN. LATERAL.